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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013 - 396

12 **CYNTHIA KAY ARCHULETA, AKA**  
13 **CYNTHIA KAY MORAN, AKA**  
**CYNTHIA MORAN**  
4250 Freida Avenue  
14 Klamath Falls, Oregon 97603

**A C C U S A T I O N**

15 **Registered Nurse License No. 600064**

16 Respondent.

17  
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about June 4 2002, the Board issued Registered Nurse License Number 600064  
24 to Cynthia Kay Archuleta, also known as Cynthia Kay Moran, and Cynthia Moran  
25 ("Respondent"). The registered nurse license was in full force and effect at all times and expired  
26 on February 29, 2012.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
4 on the grounds of unprofessional conduct, in that effective January 18, 2012, the Oregon State  
5 Board of Nursing, in a disciplinary action entitled *In the Matter of Cynthia Moran, R.N. License*  
6 *No. 200540023RN*, Reference No. 12-00974, issued a *Final Order by Default* (attached hereto as  
7 **Exhibit A** and incorporated herein by reference), suspending Respondent's license to practice  
8 professional nursing in the State of Oregon. The basis of such action is that Respondent failed to  
9 cooperate with an investigation by the Oregon State Board of Nursing concerning reports that  
10 Respondent used her father's morphine medication and, on or about October 25, 2011,  
11 Respondent diverted thirty Vicodin pills while working as a registered nurse at High Desert  
12 Hospice LLC.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 600064, issued to Cynthia  
17 Kay Archuleta, also known as Cynthia Kay Moran, and Cynthia Moran;  
18 2. Ordering Cynthia Kay Archuleta, also known as Cynthia Kay Moran, and Cynthia  
19 Moran, to pay the Board of Registered Nursing the reasonable costs of the investigation and  
20 enforcement of this case, pursuant to Code section 125.3; and,  
21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: November 14, 2012

24 *for* LOUISE R. BAILEY, M.ED., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 State of California  
28 Complainant

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**EXHIBIT A**

*Final Order by Default*

*In the Matter of Cynthia Moran, R.N. License No. 200540023RN, Reference No. 12-00974*  
Oregon State Board of Nursing

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

In the Matter of

Cynthia Moran, RN

)  
)  
) **FINAL ORDER**

) **BY DEFAULT**

)

License No. 200540023RN

) Reference No. 12-00974

The Oregon State Board of Nursing (OSBN) is responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Cynthia Moran (Licensee) is a Registered Nurse (RN) in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on January 18, 2012.

On December 20, 2011, a Notice stating that the Board intended to suspend the Registered Nurse license of Cynthia Moran was sent to Licensee by certified and regular mail to her address of record. The Notice alleged that Licensee had failed to cooperate with the Board during the course of an investigation. The Notice further granted to Licensee an opportunity for a hearing, if requested, within 20 days of the mailing of the Notice. No such request for hearing was received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of the records and files of the Board related to this matter, the Board enters the following Order:

**I**

**FINDINGS OF FACT**

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

- 1.1 Cynthia Moran is a Registered Nurse in the state of Oregon, and has been licensed since January 4, 2005.
- 1.2 On October 25, 2011, it was reported to the Board that while working as a Registered Nurse at High Desert Hospice LLC, Licensee diverted thirty (30) Vicodin pills that had

been delivered to the office. Additionally, it was reported that Licensee had used her father's morphine medication.

- 1.3 On November 8, 2011, Board staff sent Licensee a letter to her address of record, instructing her to contact the Board within ten (10) business days to schedule an interview with the Board staff to discuss the matter. Licensee failed to schedule an interview.
- 1.4 On November 28, 2011, Board staff sent a second letter, to Licensee's address of record requesting she contact the Board within five (5) business days to schedule an appointment to discuss the matter. Licensee failed to schedule an interview.

## II

### CONCLUSION OF LAW

- 2.1 That the Board has jurisdiction over Licensee and over the subject matter of this proceeding.
- 2.2 That Licensee's failure to cooperate with the Board during the course of an investigation as described in Section I above, constitutes Conduct Derogatory to Standards of Nursing, in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (7) (c).
- 2.3 That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by default.

## III

### ORDER

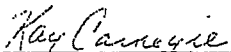
Based on the foregoing Findings of Fact, Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

**ORDERED** that Cynthia Moran's Registered Nurse license in the State of Oregon is suspended. The suspension shall be for a minimum of two (2) weeks, commencing five (5) business days from the date this Final Order is signed, and remain in effect until such time that Ms. Moran has fully cooperated with the Board's investigation. Should the Board reinstate the

Registered Nurse license of Cynthia Moran, she would be subject to whatever terms and conditions the Board may impose.

DATED this 18 day of January, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

  
\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

To Cynthia Moran:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

BEFORE THE OREGON  
STATE BOARD OF NURSING

In the Matter of	)	NOTICE OF PROPOSED SUSPENSION
Cynthia Moran, RN	)	OF
	)	REGISTERED NURSE LICENSE
	)	
License No. 200540023RN	)	Reference No. 12-00974

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TO: CYNTHIA MORAN, RN

The Oregon State Board of Nursing (Board) proposes to suspend your license as a Registered Nurse based on the following grounds:

I

On October 25, 2011, the Board received information alleging that you, while working as a Registered Nurse at High Desert Hospice LLC, diverted thirty (30) Vicodin pills that had been delivered to the office. Additionally it was reported that you had used your father's morphine medication.

On November 8, 2011, Board staff sent you a letter, to your address of record, instructing you to contact the Board within ten (10) business days to schedule an interview to discuss the allegations of the complaint. You did not schedule a personal interview to discuss the matter.

On November 28, 2011, Board staff sent a second letter, to your address of record, instructing you to contact the Board within five (5) business days, to schedule an interview to discuss the allegations of the complaint. You failed to schedule an interview.

II

The Board alleges that not responding to its inquiries and requests, as described in Section I above, constitutes a failure to cooperate with the Board during the course of an investigation and that you have therefore engaged in conduct derogatory to the standards of nursing, in violation of ORS 678.111(1)(f) and OAR 851.045-0070 (7)(c).

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, or any of the following causes:
- (f) Conduct derogatory to the standards of nursing.



OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined.

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (7) Conduct related to the licensee's relationship with the Board:
- (c) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.

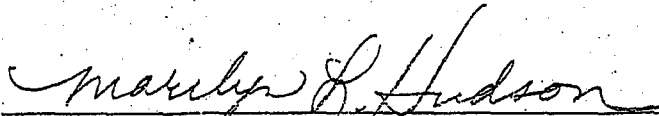
III

The Board proposes to suspend your Registered Nurse license for a minimum of 2 weeks and indefinitely on the basis of the violations of law and rule alleged in section II above. Such suspension shall continue until such time as you cooperate fully with the Board's investigation.

In the event that the Board reinstates your Registered Nurse license following your full cooperation with its investigation, it may at its discretion, initiate further disciplinary action if that investigation determines that you have committed other violations of the Nurse Practice Act (ORS 678 et seq) or any of the administrative rules adopted thereunder.

Dated this 20 day of December 2012

FOR THE OREGON STATE BOARD OF NURSING



Marilyn Hudson RN, MSN, CNS, FRE  
Investigations Manager  
Investigations Department

Notice of Hearing Rights and Exhibit A attached.

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2  
3 **BEFORE THE**  
4 **BOARD OF REGISTERED NURSING**  
5 **DEPARTMENT OF CONSUMER AFFAIRS**  
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against:

Case No. 2013-396

8 **Cynthia Kay Archuleta**  
9 **a.k.a. Cynthia Kay Moran**  
10 **a.k.a. Cynthia Moran**  
11 **4250 Freida Avenue**  
12 **Klamath Falls, OR 97603**

**REQUEST FOR DISCOVERY**

[Gov. Code § 11507.6]

13 **Registered Nurse License No. 600064**

14 **Respondent.**

15 **TO RESPONDENT:**

16 Under section 11507.6 of the Government Code of the State of California, parties to an  
17 administrative hearing, including the Complainant, are entitled to certain information concerning  
18 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code  
19 concerning such rights is included among the papers served.

20 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE**  
21 **HEREBY REQUESTED TO:**

- 22 1. Provide the names and addresses of witnesses to the extent known to the Respondent,  
23 including, but not limited to, those intended to be called to testify at the hearing, and  
24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the  
25 following in the possession or custody or under control of the Respondent:  
26 a. A statement of a person, other than the Respondent, named in the initial  
27 administrative pleading, or in any additional pleading, when it is claimed that the act or  
28 omission of the Respondent as to this person is the basis for the administrative proceeding;

1                   b. A statement pertaining to the subject matter of the proceeding made by  
2 any party to another party or persons;

3                   c. Statements of witnesses then proposed to be called by the Respondent and  
4 of other persons having personal knowledge of the acts, omissions or events which are the  
5 basis for the proceeding, not included in (a) or (b) above;

6                   d. All writings, including but not limited to reports of mental, physical and  
7 blood examinations and things which the Respondent now proposes to offer in evidence;

8                   e. Any other writing or thing which is relevant and which would be  
9 admissible in evidence, including but not limited to, any patient or hospital records  
10 pertaining to the persons named in the pleading;

11                   f. Investigative reports made by or on behalf of the Respondent pertaining  
12 to the subject matter of the proceeding, to the extent that these reports (1) contain the names  
13 and addresses of witnesses or of persons having personal knowledge of the acts, omissions  
14 or events which are the basis for the proceeding, or (2) reflect matters perceived by the  
15 investigator in the course of his or her investigation, or (3) contain or include by attachment  
16 any statement or writing described in (a) to (e), inclusive, or summary thereof.

17 For the purpose of this Request for Discovery, "statements" include written statements by  
18 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
19 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
20 summaries of these oral statements.

21 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery  
22 should be deemed to authorize the inspection or copying of any writing or thing which is  
23 privileged from disclosure by law or otherwise made confidential or protected as attorney's work  
24 product.

25 Your response to this Request for Discovery should be directed to the undersigned attorney  
26 for the Complainant at the address below within 30 days after service of the Accusation.

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1 Failure without substantial justification to comply with this Request for Discovery may  
2 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the  
3 Government Code.

4 Dated: 11/14/2012  
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